



PATENT  
Customer No. 22,852  
Attorney Docket No.: 08702.0090-04000

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
	)	
Francis SULLIVAN et al.	)	Group Art Unit: 1652
	)	
Application No.: 09/878,574	)	Examiner: Yong D. Pak
	)	
Filed: June 11, 2001	)	Confirmation No.: 4282
	)	
For: HUMAN GDP-MANNOSE	)	
4,6 DEHYDRATASE	)	

**Mail Stop Issue Fee**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**TRANSMITTAL LETTER**

Enclosed are the following:

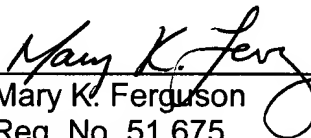
- Comments on Reasons for Allowance under 37 C.F.R. §1.104(e);
- Issue Fee Transmittal with extra copy for accounting purposes;
- Check for \$1,715.00 for payment of the following fees:
  - 1) \$1,400.00 issue fee;
  - 2) \$300.00 publication fee; and
  - 3) \$15.00 advance order for 5 copies of patent; and
- postcard receipt

If there are any additional fees due in connection with the filing of these documents, please charge the fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: December 9, 2004

By:   
Mary K. Ferguson  
Reg. No. 51,675



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Alexandria, VA 22313-1450

Sir:

**Comments on Reasons for Allowance under 37 C.F.R. §1.104(e)**

Applicants submit these comments concurrently with the payment of the issue fee for this application to respond to the Examiner's Notice of Allowability and Notice of Allowance of September 14, 2004. Applicants file these comments under 37 CFR §1.104(e) to avoid any presumption that Applicants acquiesce in the Examiner's statement in the Detailed Action that "arguments filed on August 4, 2004 with respect to the rejections of claims 21, 23, 26-29 and 38-39 have been withdrawn." See MPEP §1302.14.

Applicants do not agree with the Examiner's attempt to withdraw arguments relating to the patentability of the cancelled claims, and do not accede in the prior grounds of rejection of canceled claims 21, 23, 26-29 and 38-39. In the response filed

August 4, 2004, Applicants stated: "By this amendment, Applicants cancel the rejected claims solely to expedite allowance of this case and without acceding to the grounds of rejection." In the Notice of Allowability, the Examiner points to no reasonable basis, nor any authority, for withdrawal of Applicants' arguments relating to the cancelled claims.

Applicants expressly reserve the right to comment on or argue the patentability of the subject matter of the cancelled claims in future related applications. Accordingly, Applicants respectfully disagree with the Examiner's statement that arguments relating to patentability of the cancelled claims are withdrawn.

If there is any fee due in connection with the filing of these Comments, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

By: Mary K. Ferguson  
Mary K. Ferguson  
Reg. No. 51,675

Date: December 9, 2004